

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH BARONE

Plaintiff,

vs.

BAUSCH & LOMB, INC., MORCHER
GmbH, and FCI OPHTHALMICS, INC.,

Defendants.

Case No. 6:17-cv-06877-EAW

Oral Argument Requested

**NOTICE OF DEFENDANT BAUSCH & LOMB, INC.'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Bausch & Lomb, Inc.'s Motion to Dismiss the Amended Complaint, and all prior papers and proceedings had herein, Defendant Bausch & Lomb, Inc., by its attorneys, Greenberg Traurig, LLP, will move this Court, before the Honorable Elizabeth A. Wolford, United States District Judge, 100 State Street, Rochester, New York, 14614, at a date and time to be determined by the Court, for an Order granting Bausch & Lomb, Inc.'s Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court's individual rules and practices, the Court will determine a schedule for Plaintiff's answering papers, if any, and Bausch & Lomb, Inc.'s reply papers, if any.

PLEASE TAKE FURTHER NOTICE that Bausch & Lomb, Inc. requests the opportunity to submit reply papers in further support of its motion.

PLEASE TAKE FURTHER NOTICE that Bausch & Lomb, Inc. respectfully requests the opportunity be heard at oral argument on its motion.

Dated: New York, New York
December 27, 2017

GREENBERG TRAURIG, LLP

/s/ Daniel Smulian

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